GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Dept – Sanction of Rs.3,95,000/- i.e., 50% of decree amount of Judgment for depositing in the II Additional Senior Civil Judge court, Visakhapatnam, in the case O.S.No.1644/2010 filed by Smt Boni Satya Lakshmi, W/o late Venkata Surya Ramana Murthy – Administrative Sanction – Accorded – Orders –Issued.

==========

TRANSPORT, ROADS & BUILDINGS (R.IV) DEPARTMENT

G.O.RT.No. 213 Dated: 03-09-2019.

Read:

From the Engineer-in-Chief(R&B)SH&MD,APRDC , Lr No. 23719/APRDC/PD/ EE(PPP)/DEE-3/AEE-2/ 2019 , Dt. 23.07.2019

ORDER:

The Engineer-in-Chief(R&B)SH&MD,APRDC in his letter read above, has stated that Sri Boni Venkata Surya Ramana Murthy, H/o Smt Boni Satya lakshmi has left in his motorbike bearing No AP35C9927 to Chandukuru Village of L.Kota Mandal, Vizianagaram District to attend his personal work. While he was returning at about 8.30 PM, he reached the construction work of the culvert near Kothavalasa Junction and fell into the culvert and sustained injuries and died on the spot on 04-01-2009. In this connection, Smt Boni Satya lakshmi, W/o late Boni Venkata Surya Ramana Murthy has filed suit vide O.S.No.1644/2010 against (R&B) Department in the court of II Additional Senior Civil Judge, Visakhapatnam. The Engineer-in-Chief (R&B)SH&MD,APRDC has further stated that in O.S.No.1644/2010 judgement issued on 20-10-2016 by the Additional Senior Civil Judge, Visakhapatnam. The II Additional Senior Civil Judge court, Visakhapatnam has issued Judgement in favour of plaintiff i.e., Smt Boni Satyalakshmi for death of her husband in scooter accident at the culvert under construction near Kothavalasa Junction. In the result, the suit is decreed with costs against D1 to D3 and D5 for a sum of Rs. 5,00,000/- with interest @ 9% P.A. on the said sum of Rs. 5,00,000/- from the date of death of deceased Boni Venkata Surya Ramana Murthy i.e, 04-01-2009 till the date of decree and thereafter with interest @ 6% P.A. on the said sum of Rs. 5,00,000/- till realization and their liability is joint and several. Out of the said amount of Rs.5,00,000/- the 1st Plaintiff is entitled to RS.2,00,000/- and the plaintiffs 2 and 3 are entitled for Rs. 1,50,000/- each. The first plaintiff is entitled for whole of the interest on the said sum of Rs.5,00,000/- accrued so far. The amount of Rs. 1,50,000/- each belonging to the plaintiffs 2 and 3 shall be kept in Fixed Deposits till they attain their respective ages of majority, after that , they are entitled to with draw the said amounts kept in Fixed Deposits. The suit against D4 is dismissed without costs. Further, the plaintiff has filed Executive Petition in the II Addl. Senior Civil Judge vide EP No 300056/2017. The Additional Government Pleader- II has issued legal opinion duly informing that the case is fit to prefer appeal and the Hon'ble District Court, Visakhapatnam has jurisdiction to prefer appeal. As per the legal opinion of the Government Pleader, condonation delay petition was filed under I.A.2106/2017, Dt 17-10-2017 and further appeal suit was filed under A.S.No.256/2018 in XI Special Judge Court, Visakhapatnam to get stay on execution of Decree vide E.P.No.300056/2017. But the XI Special Judge court have not issued stay order so far and AS no 256/2018 is posted for next hearing on 08-08-2019 for paper publication to appear 4th respondent i.e, Yeduri Venkata Rao, S/o Musalayya, contractor.

2. The Engineer-in-Chief(R&B)SH&MD,APRDC has further stated that in the mean while, the II Additional Senior Judge, Visakhapatnam has issued warrant of attachment of movable property of office of the Superintending Engineer(R&B) Visakhapatnam - 13 (vide Respondent - 2) in execution of Decree for money Dt. 11-07-2019 against the

(P.T.O)

E.P.No.300056/2017 filed by Smt Boni Satyalakshmi. In the above context, the Executive Engineer (R&B) Division, Visakhapatnam has contacted the Additional Government Pleader II to get stay on the court warrant for attachment of movable property. The Executive Engineer, Visakhapatnam has further submitted that the Government Pleader opined that unless deposit amount of at least 50% of decree amount of Judgment i.e Rs.3,95,000/- be deposited, it is not possible to get stay on Execution Petition. While stating the above, the Engineer-in-Chief (R&B)SH&MD,APRDC has requested to allot funds of Rs.3,95,000/- under the Head of Account of 5054-05-MH337-GH11-SH(06)-530/531 for the year 2019-20 for depositing in the II Additional Senior Civil Judge court, Visakhapatnam., to avoid court attachment of Property.

3. After careful examination of the matter, Government hereby accord administrative sanction for an amount of Rs.3,95,000/- (Rupees Three Lakhs Ninety Five Thousands only) i.e., 50% of decree amount of Judgment for depositing in the II Additional Senior Civil Judge court, Visakhapatnam, in the case O.S.No.1644/2010 filed by Smt Boni Satya Lakshmi, W/o late Venkata Surya Ramana Murthy, Subject to condition that Superintendent Engineer (R&B), Visakhapatnam, will ensure correct payment.

4. The amount sanctioned in Para (3) above, shall be met from the Head of account " 5054-05-MH.337-GH.11-SH(06)-530/531",

5. The Chief Engineer(R&B) SH & MD., APRDC, AP. shall take further necessary action in the matter accordingly. He shall ensure the correctness of the amount proposed is as per court orders.

6. This order issues with the concurrence of Finance (FMU-TR&B) Department, vide their U.O.No.FMUOMRAS/47/TR&B/2019. E-File No.954189 Dt.14.08.2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer (R&B) SH&MD, APRDC , Vijayawada.
The Director of Works & Accounts, AP, Vijayawada.
The Accountant General, A.P. Hyderabad
The Pay and Accounts Officer, Vijayawada.
The District Treasury Officer, Visakhapatnam.
The APAO, Visakhapatnam.
Copy to:
The Finance (FMU-TR&B) Department.
The P.S to Principal Secretary to Govt. T,R&B Department.
The PS to Hon'ble Minister for Roads & Buildings.
The Superintendent Engineer (R&B), Visakhapatnam,
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER